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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,185	03/29/2001	Ravi L. Sahita	10559/457001/P10868	9173
20985	7590	10/19/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,185

Applicant(s)

SAHITA ET AL. 

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 have been examined
2. Claims 19-34 are orally withdrawn by election of restriction on the phone on 10/8/2004.

Election/Restrictions

3. Restriction to one of the following invention is required under 35 U.S.C. 121:
 - I. Claims 1-18 drawn to computer protocol implementing, classified in class 709, subclass 230.
 - II. Claims 19-34 drawn to computer network managing, classified in class 709, subclass 223.
4. Inventions I, and II are related as subcombination disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The following case instantiates:

Invention II has separate utility such as providing a method for computer network managing.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. Claims 19-34 are orally withdrawn by election of restriction on the phone on 10/8/2004.
7. Claims 19-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group of invention, there being no allowable generic or linking claim. Election was made **without** traverse.

Paper Submitted

8. It is hereby acknowledged that the following papers have been received and placed of record in the file:
- a. **Information Disclosure Statements** as received on 7/23/2001 are considered..

Claim Objections

9. Claim 16 is objected to because of the following informalities: Claim 16, line 3 the word "first" should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2155

11. Claims 1-3, 5-6, 8-9, 11-13, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Champlin et al., US Patent Number 6,519,635, hereinafter Champlin.
12. Referring to claim 1, Champlin has taught a managed node comprising:
 - a. a first database (item 70 is viewed as a first database, Figure 4) having metadata descriptive of data stored in a second database (MIB 72 is viewed as a second database)(Col 5 lines 21-23, various translation are stored in table 70 to map MIB object from MIB 72, Col 5 lines 15-18);
 - b. a first process in communication with said second database (Figure 4, SNMP agent 64 must be in communication with MIB 72 in order to make MIB 72 to be functional (Col 5 lines 11-57);
 - c. a second process in communication with said first process through a selected interface, said second process providing communication over a network through a selected protocol and having access to said metadata in said first database for translation between said selected interface and said selected protocol (Col 5 lines 11-39, translation between SNMP Master Agent 64 to communicate over network 60 to Sub Agent 66.)
13. Referring to claim 2, Champlin has further taught wherein said first process comprises an SNMP agent (Figure 4 item 64 is a SNMP agent.)
14. Referring to claim 3, Champlin has further taught wherein said second process comprises a network shim layer providing an interface between said first process and said network (item 70 serves the function of translating the protocol format into the second format of

appropriate SNMP agent 66, which serves the same function as the network shim layer is providing. Col 5 lines 41-51.)

15. Referring to claim 5, Champlin has further taught wherein said second database comprises a MIB (item 72, figure 4).
16. Referring to claim 6, Champlin has further taught wherein said selected interface comprises an application program interface for said SNMP agent (Col 2 lines 24-26).
17. Referring to claim 8, Champlin has further taught wherein said metadata is obtained from a remote source (Col 5 lines 28-30.)
18. Referring to claim 9, claim 9 encompasses the similar scope of the invention as that of the claim 1, and Champlin further teaches a managed network (see figure 4), comprising: a management station (item 62), and a managed node (item 64) in communication with said management station using a selected protocol (Figure 4 shows SNMP Manager is communicating with SNMP Master Agent.) Therefore, claim 9 is rejected for the same reason as claimed 1 and the further teaching limitation from Champlin.
19. Referring to claims 11-13, 15-16, 18, claims 11-13, 15-16, and 18 encompass the same scope of the invention as that of the claims 2-3, 5-6, 8. Therefore, claims 11-13, 15-16, and 18 are rejected for the same reason as the claims 2-3, 5-6, 8.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2155

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 4, 7, 10, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin in views of Pan et al., US Patent Number 6,775,701, hereinafter Pan.
22. Referring to claim 4, Champlin has taught an invention as described in claims 1 and 3. Champlin has not explicitly taught the protocol comprises COPS-PR.

However, Pan has taught the use the COPS-PR protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS-PR of Pan in Champlin such that to have the COPS-PR protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS-PR could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS-PR is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

23. Referring to claim 7, Champlin has taught the invention as described in claim 5. Champlin has not explicitly taught the protocol comprises a COPS protocol.

However, Pan has taught the use the COPS protocol in network communication among network devices (Col 8 lines 53-58.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate COPS of Pan in Champlin such that to have the COPS protocol as the protocol for the network communication in Champlin's system, because Champlin is having a network management system where nodes are communicating via a network (figure 4), and Pan is teaching COPS could be the protocol for communication in a network system (Col 8 lines 53-58.)

A person with ordinary skill in the art would have been motivated to make the modification to Champlin because COPS is one of the well-known protocols along with SNMP, COPS-RSVP, and CLI as taught by Pan (Col 8 lines 55-58), having COPS would allow a query response protocol used to exchange policy data between a server and a set of client, as taught by Pan (Col 8 lines 59-61), to be implemented on Champlin's system.

24. Referring to claims 10, 14, 17, claims 10, 14, and 17 encompass the same scope of the invention as that of the claims 4 and 7. Therefore, claims 10, 14, and 17 are rejected for the same reason as the claims 4 and 7.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by

Art Unit: 2155

the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-3391. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lw*
October 12, 2004

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER